

REMARKS

The final rejection mailed October 19, 2006, has been carefully studied. The claims in the application remain as claims 1-11, and the applicants again respectfully submit that the claims define novel and unobvious subject matter under Sections 102 and 103, and therefore should be allowed. Accordingly, favorable reconsideration, entry of the amendments submitted above, and allowance are earnestly solicited.

Claims 6-11 have been held to be directed to an invention which is independent or distinct from the invention originally claimed. Applicants respectfully disagree, and therefore respectfully traverse the requirement and the withholding of those claims from examination. The Office Action says that there are different species, but **there are no different species.** Fig. 1 is a plan view showing an oxygen passage plate which falls under both claims 1 and 6.

If the Examiner truly believes that claim 1 recites an oxygen passage plate which is different from the oxygen passage plate called for in claim 6, applicants request the Examiner to point out where that oxygen passage plate is illustrated! The same oxygen passage plate is called for in

both claims 1 and 6, although of course somewhat different language is used in those two claims.

Withdrawal of claims 6-11 on the basis of the latter being drawn to a different species non-elected by original presentation is unjustified. Applicants respectfully request withdrawal of the holding in question and examination on the merits of properly presented claims 6-11.

Claims 1, 2 and 5 and have been again rejected as obvious under Section 103 from Kenyon in view of Lee. The rejection is again respectfully traversed, in part for the reason set forth in the last Reply, respectfully repeated by reference.

Lee discloses the cooling system as the rejection states and further the both-pole plate assembly and the end-plate assembly being provided with flow passages (see paragraph [0016] and Fig. 1 in Lee). On the other hand, it does not teach providing grooves on the oxygen flow passage plate through which gas can pass (see page 5, lines 1-2, in the English text of the present application). Therefore, as is made clear in Fig. 1 of Lee, the flow passage of Lee has no structure of the flow passage being opened to the outside.

Therefore, even if the flow passage of Lee were to be incorporated into Kenyon, it would be impossible to improve

a performance of power generation, because air could not be directly passed into the flow passage from an outside source.

Further, the grooves disclosed in paragraph [0004] of Lee, noted in the rejection, is not the groove having a main function such as a feed function according to the present invention, but instead is the flow passage whereby gas flows out from its one end and (a feed functional portion) to another end (a discharge functional portion), so that the grooves of Lee are essentially and fundamentally different from that of the present invention. No combination as proposed would meet applicants' claims.

Moreover, the applicants believe and submit that the combination would in any even not have been obvious, as a member with respect to the fuel cell of an active type as disclosed in Lee cannot be reasonably combined with Kenyon disclosing that of a passive type, clearly distinguished from Lee. Thus, it would not have been easily obvious to incorporate the groove of Lee into Kenyon.

Withdrawal of the rejection is in order and is therefore respectfully requested.


Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application.

Appln. No. 10/649,869
Amd. dated January 12, 2007
Reply to Office Action of October 19, 2006

Favorable consideration and early formal allowance are
respectfully requested.

Respectfully submitted,

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